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6/26/01
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IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

NANCY DREW SUDERS) CIVIL ACTION LAW
Plaintiff) NO. 1:CV-00-1655
VS.) (JUDGE RAMBO) FILED
ERIC D. EASTON, WILLIAM D.) JUN 25 2001
BAKER, ERIC B. PRENDERGAST) HARRISBURG
VIRGINIA SMITH ELLIOTT,)
AND THE PENNSYLVANIA)
STATE POLICE,) JURY TRIAL DEMANDED
Defendants)

MARY E. D'ANDREA, CLERK
Per _____ DEPUTY CLERK

PLAINTIFFS COUNTERSTATEMENT OF
DISPUTED MATERIAL FACTS

I.) INTRODUCTORY STATEMENT

Defendants "Statement of Material Facts" is in dispute. Defendants have composed the usual list of facts which tell part of a situation, but not the material part in dispute. Plaintiff has countered paragraph by paragraph by paragraph and added additional material facts which defendants never raised.

- 1.) Admitted.
- 2.) Admitted.
- 3.) Admitted.
- 4.) Admitted.

5.) Admitted.

6.) Admitted.

7.) Denied. No one ever pointed out what drawers in the dresser in the ladies room belonged to which person. Suders Dep. pg 150-152. There were no drawers with names in the ladies room. Easton Dep. pg 21. Everyone had filing cabinets and lockable desks at the Barracks including support personnel. Easton Dep. pgs 26-28.

8.) Admitted.

9.) Denied. No one would help Suders, Prendergast wouldn't help, Suders's Dep pgs 68-69. No one would train or help Suders. Suders Dep. pgs 140-141.

10.) Denied. Suders was told she wasn't wanted at the Barracks. Suders Dep. pg 19-22. The harassment included insults, comments on her age, sexual comments, gross displays of a sexual nature etc. Defendants attempt to limit the degree, substance, and nature, of the discrimination, which is misleading. Suders Dep 66-68, 126-127, 53-63, 49-50.

11.) Admitted.

12.) Denied. Easton made those comments more than once. Easton remembers making the comment many times but directing them at himself. Easton Dep. 59-60. He remembers telling Mikeal Fix that Suders couldn't learn as fast as younger woman. Fix Dep. pg 14. Easton remembers this also but says he was trying to help Suders.

13.) Denied. Suders was intimidated and afraid. Suders Dep pages 47-52, 64-65, 72-75, and 130.

14.) Denied. While it is admitted that Easton made the comments about plaintiff he did not provide Fix with the explanation that this paragraph indicates he did.

15.) Admitted. By way of further response he called her “Mamma” many times and put her down about her age. Suders Dep. pg 43-45. Easton’s comments were constant.

16.) Admitted. Easton remembers the sex with animals comments but says they were part of an incident. Easton Dep. pgs 53-54.

17.) Denied. See 13 above.

18.) Denied. Suders was terrified of Easton. She was afraid of him and didn’t know how to take him. He would sometimes sit back in his chair with his hands behind his head and spread his legs apart. Suders Dep pgs 46-47. He also threatened her that she couldn’t do anything about it id 47. Suders was unsure if Easton was being suggestive. Suders Dep. pg 85.

19.) Admitted. See also Suders’s Dep pgs 53-63. Baker would repeat this obnoxious behavior frequently. She objected, id pgs 126-127.

20.) Admitted.

21.) Admitted.

22.) Admitted.

23.) Admitted.

24.) Admitted.

25.) Admitted.

26.) Denied. She went to Virginia Smith Elliott. She went to Senator Bob Jubelirer. She complained to Prendergast.

27.) Admitted.

28.) and 29.) Admitted. See also Suders Dep. pgs 66-68, 72-73.

30.) Denied. Suders both approached Virginia Smith Elliott, the so-called PSP "Affirmative Action Officer," and called her. Suders was turned down, and treated in an insensitive insulting demeaning way. Suders Dep pgs 93-97 (particularly see pg 94 ln 20-pg 95 ln 10). She could find no one to go to at the Barracks. Suders Dep. pg 130.

31.) Denied. See 30 above.

32.) Admitted.

33.) Admitted that this is what Smith - Elliott remembers.

34.) Admitted.

35.) Admitted.

36.) Denied. Nancy Suders was forced into the resignation under threats of being charged with crimes etc. Suders's Dep. 97-111.

37.) Admitted.

38.) Denied. Suders did testify that Easton had a reputation for liking young girls and she did testify as to the incident with the jacket. She also testified to seeing Easton with Jody Lancaster up against a wall. Suders Dep. 79-81.

39.) Admitted. By way of further response there is no discrimination office in the PSP to the complaints, and there is only "informal" investigations of discrimination. Smith Dep pg 20. Virginia Smith Elliott (Smith) never investigated a case. id pg 21.

40.) Denied. Suders didn't know how to take the situation through the haze of harassment.

41.) Admitted. Suders was correct.

42.) Admitted.

43.) Admitted. Suders was not wanted at the Barracks. Suders Dep. pg 19-22.

44.) Admitted.

45.) Admitted.

46.) Admitted. Denied this was deserved or that Suders was capable.

47.) Denied. Her test results were taken and hidden and she was lied to about the results that were never sent in Suders Dep pgs 155-160.

48.) Admitted. Denied that it was a safe place. She could have looked them in a file cabinet or a desk.

49.) Denied. The representations that anything was taken from "Jody's" drawer is false, is emphatically denied and is not what the record reflects. See Suders Dep. 150-152. See Easton Dep pg 21.

50.) Admitted.

51.) Admitted. There was no reason not to be in the drawer. She had found some of her personal papers there, and the drawer was not assigned to any one person.

52.) Denied. The papers were not Lancaster's. The drawer was unmarked. Suders didn't know what was going on.

53.) Denied. Suders was abused, threatened, and held against her will. Suders Dep pgs 97-111.

54.) Admitted.

55.) Denied.

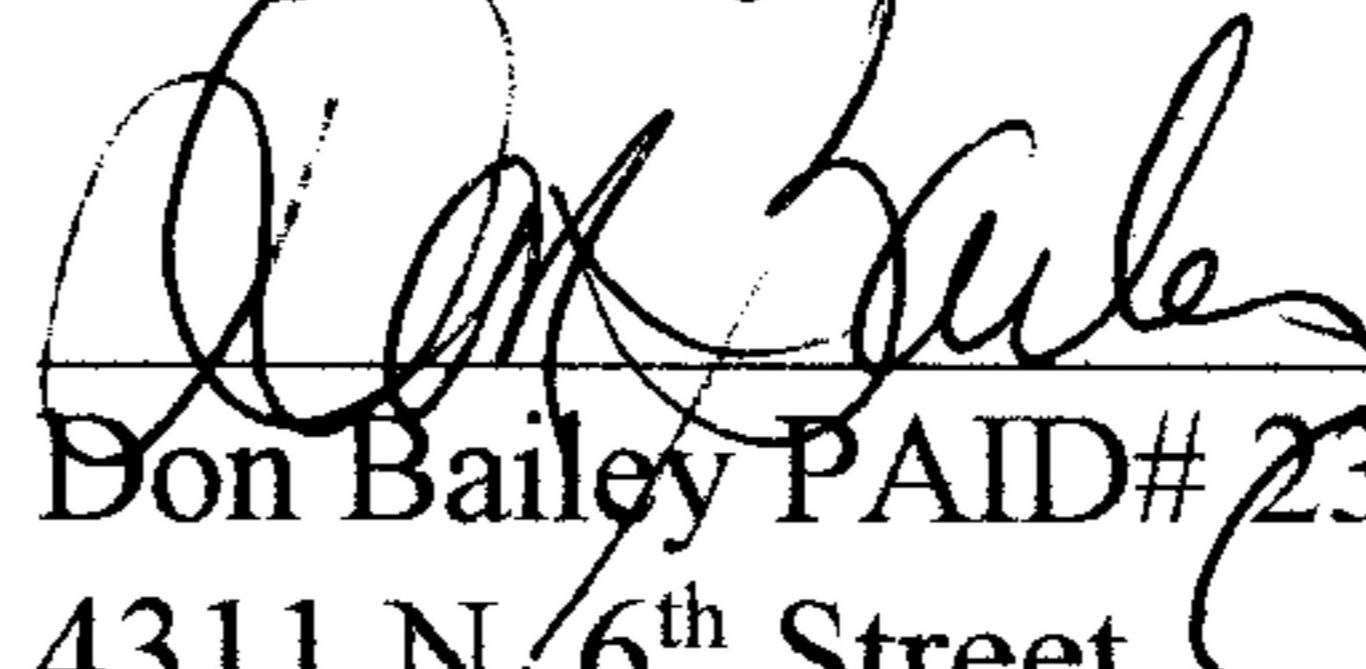
56.) Denied.

57.) Denied. There was no coherent PSP sex discrimination policy. Smith-Elliott couldn't even tell Suders where to find the form in a book. and the book wasn't handy. Smith Dep pg 20-21.

58.) Admitted.

59.) Admitted.

Respectfully Submitted,


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June 25, 2001

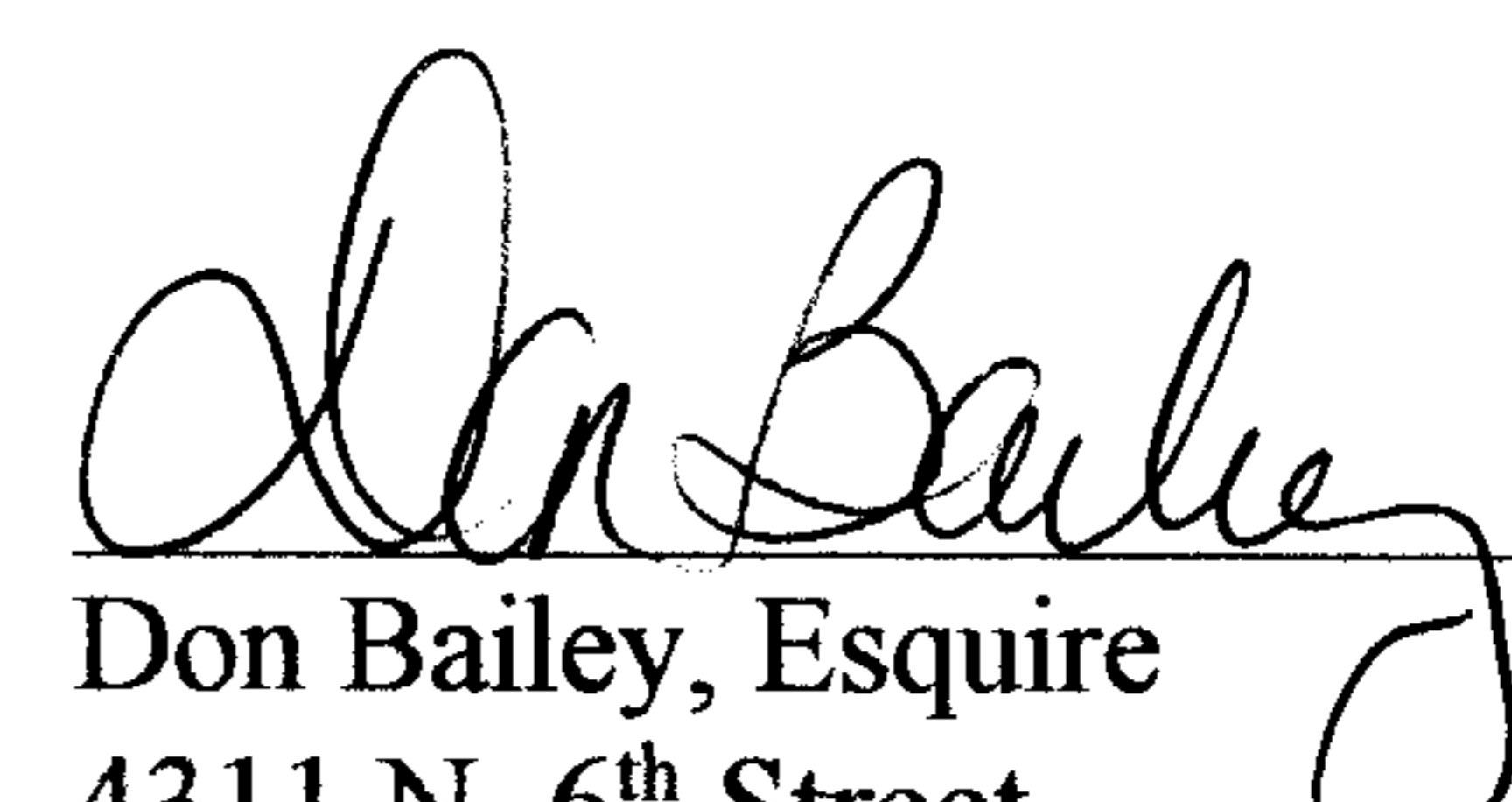
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CERTIFICATE OF SERVICE

I hereby certify that on **JUNE 25, 2001** a true and correct copy of
DOCUMENT was served upon the following counsel of record by United States
Mail, postage prepaid:

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